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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,348	12/27/2004	Mark Beckmann	112740-1040	2971
29177 7590 12/27/2007 BELL, BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690			EXAMINER MILLER, BRANDON J	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/519,348

**Applicant(s)**

BECKMANN ET AL.

**Examiner**

Brandon J. Miller

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Remarks***

Claims 11-20 remain pending in the application.

### ***Prior Art Qualification***

1. The priority claim to DE 10229056.3, which was filed on June 28, 2002, has not been perfected by filing a verified English translation of the German priority document 102 29 056.3. Therefore, the present application does not receive the June 28, 2002 effective filing date of the German priority document 102 29 056.3 and Beckmann reference remains valid prior art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11, 14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beckman et al. (US 2004/0209638 A1).

Regarding claim 11 Beckman teaches a method for transmitting at least one group message to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a UMTS standard (see paragraphs

[0007] & [0035]). Beckman teaches transmitting at least one linked set of data during at least one time interval from at least one DSCH transport channel to a CCTrCH multiplex channel (see paragraph [0030]). Beckman teaches determining permitted data sets with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to the at least one group during a time interval (see paragraph [0035], indication of mobile stations belonging to group X or Y allows data to be mapped to appropriate group and relates to determining permitted data sets with a flag which is identifiable via a first indicator).

Regarding claim 14 Beckman teaches wherein an indicator may be determined from the assignment information for the at least one radio communication device assigned to the at least one group according to a first algorithm (see paragraph [0035], instructions for mobile station registering or associating with multicast group relates to algorithm).

Regarding claim 16 Beckman teaches assigning all radio communication devices of a first region to a first group, wherein the at least one group message is sent to the radio communication devices assigned to at least the first group in the form of a broadcast message (see paragraph [0005]).

Regarding claim 17 Beckman teaches registering radio communication devices with at least one group, wherein the at least one group message is sent to all radio communication devices of a respective group in a form of a multicast message (see paragraph [0035]).

Regarding claim 18 Beckman teaches transmitting allocation of a transmission time and parameters of the at least one group message to a specific group via a CCH common channel assigned to the at least one DSCH transport channel (see paragraph [0035]).

Regarding claim 19 Beckman teaches a network controller for transmitting at least one group message to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a UMTS standard (see paragraphs [0007] & [0035]). Beckman teaches transmitting at least one linked set of data during at least one time interval from at least one DSCH transport channel to a CCTrCH multiplex channel (see paragraph [0030]). Beckman teaches determining permitted data sets with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to the at least one group during a time interval (see paragraph [0035], indication of mobile stations belonging to group X or Y allows data to be mapped to appropriate group and relates to determining permitted data sets with a flag which is identifiable via a first indicator).

Regarding claim 20 Beckman teaches a radio communication device for receiving at least one group message to at least one group of at least one radio communication device in at least one radio cell of a radio communication network operating according to a UMTS standard (see paragraphs [0007] & [0035]). Beckman teaches transmitting at least one linked set of data during at least one time interval from at least one DSCH transport channel to a CCTrCH multiplex channel (see paragraph [0030]). Beckman teaches determining permitted data sets with a flag which is identifiable via a first indicator, wherein the first indicator is assigned to the at least one group during a time interval (see paragraph [0035], indication of mobile stations belonging to group X or Y allows data to be mapped to appropriate group and relates to determining permitted data sets with a flag which is identifiable via a first indicator).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman et al. (US 2004/0209638 A1) in view of Speight (US 2003/0069020 A1).

Regarding claim 12 Beckman teaches a device as recited in claim 11 except for storing at least one item of assignment information, organized in table form, for the assignment of the first indicator to at least one group. . Beckman does teach at least one item of assignment information for the assignment of a first indicator to at least one group (see paragraph [0035], association with multicast group relates to assignment information). Speight teaches storing at least one item of assignment information in table form (see paragraph [0069]). It would have been obvious to one of ordinary skill in the art to make the device in Beckman adapt to include storing assignment information in table form because the method of organization is a design choice and mobile radio systems is as taught in both references commonly include information stored in table form.

Regarding claim 13 Beckman teaches a device as recited in claim 11 except for storing at least one item of assignment information, organized in list form, for the assignment of the first indicator to at least one group. Beckman does teach at least one item of assignment information for the assignment of a first indicator to at least one group (see paragraph [0035], association with multicast group relates to assignment information). Speight teaches storing at least one

item of assignment information in table form (see paragraph [0069]). It would have been obvious to one of ordinary skill in the art to make the device in Beckman adapt to include storing assignment information in list form because the method of organization is a design choice and mobile radio systems is as taught in both references commonly include information stored in list form.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman et al. (US 2004/0209638 A1) in view of Anderson (US 2004/0043783 A1).

Regarding claim 15 Beckman teaches a device as recited in claim 14 except for wherein radio communication devices that are not part of the at least one group pause during the time interval according to a first algorithm. Beckman does teach radio communication devices that are not part of the at least one group (see paragraph [0035]). Anderson teaches wherein radio communication devices that pause during a time interval (see paragraph [0145]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein radio communication devices that are not part of the at least one group pause during the time interval according to a first algorithm because Beckman discloses a group of mobile stations not part of a group that data is being multicast to (see Beckman, paragraph [0035]) and pausing that group would allow for improved saving of system resources (see Beckman, paragraph [0008]).

***Claim Objections***

5. Claims 11 and 18-19 objected to because of the following informalities:

Claims 11 and 18-19 contain acronyms without the appropriate spelled out meanings. It would be more clarifying if the first instance of the acronym in the claim were spelled out followed by the acronym in parenthesis. For example: Dedicated Shared Channel (DSCH).

Appropriate correction is required.

***Response to Arguments***

6. Applicant's arguments filed 10/5/2007 in regards to the Beckman reference have been fully considered but they are not persuasive for the reasons given above. It is noted that applicant has not responded or remarked on the merits of the art rejection and objections given in the previous office action and as a result

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

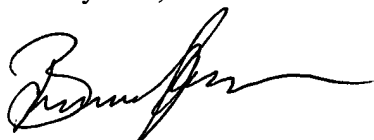


*Conclusion*

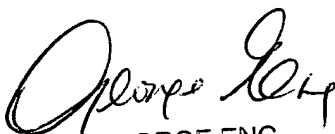
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



December 14, 2007



GEORGE ENG  
SUPERVISORY PATENT EXAMINER